

**Notice of Allowability**

Application No.

10/643,966

Applicant(s)

ISHIGURO ET AL.

Examiner

Art Unit

Huy D. Nguyen

2681

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/20/2005.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Monaco on 01/04/2005.

The application has been amended as follows:

Claim 1, line 2: after "automatic repeat request", -- (ARQ/HARQ) -- has been inserted.

Claim 1, line 3: after "automatic repeat request", -- (ARQ/HARQ) -- has been inserted.

Claim 1, line 5: after "automatic repeat request", -- (ARQ/HARQ) -- has been inserted.

Claim 1, line 9: after "limiting", "the number of retransmission" has been deleted; -- a number of said automatic repeat request (ARQ/HARQ) -- has been inserted.

Claim 2, line 2: after "automatic repeat request", -- (ARQ/HARQ) -- has been inserted.

Claim 2, line 4: after "automatic repeat request", -- (ARQ/HARQ) -- has been inserted.

Claim 2, line 5: after "automatic repeat request", -- (ARQ/HARQ) -- has been inserted.

Claim 2, line 9: after "limiting", "the number of retransmission" has been deleted; -- a number of said automatic repeat request (ARQ/HARQ) -- has been inserted.

Claim 7, line 2: after "automatic repeat request", -- (ARQ/HARQ) -- has been inserted.

Claim 7, line 9: after "automatic repeat request", -- (ARQ/HARQ) -- has been inserted.

Claim 7, line 11: after "limiting", "the number of retransmission" has been deleted; -- a number of said automatic repeat request (ARQ/HARQ) -- has been inserted.

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 2, and 7, the cited prior arts, either alone or in combination, fail to teach monitoring in the radio base station for the occurrence of handover or for a possibility of occurrence of handover in the radio terminal; and limiting a number of said automatic repeat request (ARQ/HARQ) processes executed at the executing step according to a result of monitoring conducted at the monitoring step, in combination with all of other limitations in the claims.

Claims 3-6 depend on claim 2. Therefore, they are allowable.

Claims 8-9 depend on claim 7. Therefore, they are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Contact Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huy Nguyen



**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**